

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

TIMOTHY MALLORY,

Plaintiff,

v.

CIVIL ACTION NO. 1:11-00894

CAPITAL ONE BANK (USA), N.A.,

Defendant.

ORDER

Having been advised of the settlement of this action, the court finds it unnecessary for further proceedings to be conducted herein. Accordingly, the court **ORDERS** as follows:

1. That the Clerk retire this action from the active docket of this court. The parties may, within thirty days after entry of this Order, submit an agreed order of dismissal. Otherwise, dismissal will be entered without prejudice.

2. The court may, for good cause shown, reinstate this action to the active docket, which good cause shall be set forth in writing and filed with the Clerk within said thirty days.

The Clerk is directed to send copies of this Order to all counsel of record.

It is **SO ORDERED** this 2nd day of January, 2013.

ENTER:



David A. Faber

Senior United States District Judge